

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA)
)
 v.) No. 1:14-cr-93-01-LM
)
 ALKIS NAKOS)
 _____)

**UNITED STATES' OBJECTION TO DEFENDANT'S
EMERGENCY MOTION FOR TEMPORARY RELEASE**

The United States of America objects at this point in time to defendant Alkis Nakos' emergency motion for release in order to visit his nine month old daughter, who was admitted on April 22, 2015, to the pediatric intensive care unit at Dartmouth-Hitchcock Hospital in Lebanon, New Hampshire, and diagnosed with leukemia. Although defendant's daughter was diagnosed with leukemia on April 22, 2015, and although such a diagnosis is understandably tragic and life-threatening, there is no indication that the condition is presently critical and poses an imminent fear of death. Thus, because of the immense safety issues presented by the transportation of an incarcerated defendant to a public setting where other families and sick children are located, the United States and the United States Marshals Service, District of New Hampshire, object to defendant's request at this time. However, if defendant's daughter's condition worsens considerably, and if her condition presents a threat of impending death, the United States Marshals Service will immediately reassess the risk and seek immediate guidance from the Court. Finally, although it is clear that 18 U.S.C. 3142(i) allows for the temporary release of a defendant "for [a] compelling reason," defendant Nakos has enjoyed regular, non-contact communication with his daughter while incarcerated, including recent

communication on April 16, 2015, and April 19, 2015.¹ Accordingly, because defendant Nakos has been afforded the ability to have frequent contact with his daughter, and because of the immense safety and security risks to the public associated with the release of an incarcerated defendant who is subject to a 20 year minimum mandatory term of imprisonment, the United States objects to defendant's motion at this time.

For the foregoing reasons, the United States respectfully requests that the Honorable Court deny defendant Nakos' emergency motion.

Dated: April 23, 2015.

Respectfully submitted,

DONALD FEITH
Acting United States Attorney

By: /s/ Terry L. Ollila
Terry L. Ollila,
Assistant U.S. Attorney
Bar No. 560603
United States Attorney's Office
53 Pleasant Street
Concord, NH 03301
(603) 225-1552
Terry.Ollila@usdoj.gov

¹Defendant Nakos is incarcerated at the Cheshire County Department of Corrections ("DOC"). The Cheshire DOC provides inmates with non-contact visitation along with the ability to have communication with family members through video-communication. The video-communication allows inmates to communicate with family by a live feed through their home computer. Defendant Nakos has enjoyed unfettered access to the video communication system and has enjoyed access to his daughter at her home through the use of the system on January 31, 2015, February 5, 7, 9, 12, 14, 17, 19, 22, 26, 2015, March 2, 6, 7, 8, 11, 15, 17, 21, 23, 28, 2015, and April 4, 5, 8, 9, 12, 15, 16, 17, 19, 2015.

CERTIFICATE OF SERVICE

I hereby certify that the United States' Objection was served on the following persons on this date and in the manner specified herein: Electronically Served Through ECF: Robert Sheketoff, counsel for defendant.

/s/ Terry L. Ollila
Terry L. Ollila
Assistant United States Attorney